

REMARKS

Claims 1, 11, 12, 21 and 22 have been examined and are rejected under the doctrine of obviousness-type double patenting. Also, claims 1, 21 and 22 are rejected under 35 U.S.C. § 112, first and second paragraphs, claims 1, 11, 12, 21 and 22 are rejected under 35 U.S.C. § 102(e), and claims 1, 21 and 22 are rejected under 35 U.S.C. § 102(b).

I. Preliminary Matters

The Examiner objects to newly added Figure 15 as well as the specification amendments regarding Figure 15 that were added in the August 3, 2007 Amendment. For reasons previously presented, Applicant submits that the specification does support the figure. For example, the specification states that ribs 2, 4 and 5 are formed to be disposed at positions corresponding to the externally-threaded-type electrodes of the batteries. In Figure 15, one of the three ribs, i.e., ribs 2, is depicted in the disclosed position. Accordingly, Applicant respectfully requests the Examiner to withdraw the objection.

Regarding priority, the Examiner maintains that Applicant cannot rely upon the previously submitted foreign priority papers because they allegedly do not support the entire claimed invention. The Examiner then maintains that if claims 1, 21 and 22 were canceled, claims 11 and 12 would be allowable over the prior art because Marukawa would no longer be available as prior art against the claimed invention (pg. 3 of Office Action). Based on such statement, it appears that the Examiner maintains that claims 11 and 12 are supported by the priority document but claims 1, 21 and 22 are not supported by the priority document. As an initial matter, the foreign priority document does not have to support every claim in order for such document to be used to remove a reference. If the reference only supported the disclosure

of claims 11 and 12, then the Marukawa reference would be removed at least in regard to claims 11 and 12. Nevertheless, Applicant has again reviewed the priority document and submits that the priority documents provides the same support as the present invention in regard to the corresponding position between the electrodes and the ribs. Accordingly, since support is in fact provided for all claims, Applicant submits that Marukawa is not applicable art in view of the previous submission of the certified translation of the priority document.

II. Double Patenting Rejection

The Examiner has rejected claims 1, 11, 12, 21 and 22 under the doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,773,850 (parent Application to the present Application). Without conceding to the Examiner's position, Applicant hereby files a Terminal Disclaimer rendering the rejection moot.

III. Rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner continues to maintain that the recitation of, "the plurality of shock-absorbing ribs are formed so as to be disposed at positions respectively corresponding to positions of a plurality of electrodes," is not supported by the specification. Again, Applicant refers the Examiner to the disclosure beginning at line 23 of page 17 and ending at line 25 of page 19. Support is clearly provided.

Irrespective of the above, on page 7 of the Office Action, the Examiner acknowledges that the specification discloses that the ribs correspond to the electrodes, but focuses on the *specific language* set forth in the specification, i.e., externally-threaded electrodes. The Examiner maintains that if the claim is amended to recite "externally-threaded electrode," rather

than merely “electrode,” the new matter rejection will be withdrawn. Accordingly, in order to expedite prosecution and to conform the claim language to the language presented in the specification, Applicant has amended claim 1. The rejection in this regard is now moot.

IV. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, the Examiner maintains that it is unclear what, “positions respectively corresponding to positions,” encompasses. Applicant has amended claim 1 to recite that the claimed positions correspond to each other when the cover is provided on the battery. For example, the position of the electrode corresponds to the position of the rib when the cover is provided on the battery (i.e., they are aligned with one another or in a similar position with one another).

V. Rejections under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1, 11, 12, 21 and 22 under 35 U.S.C. § 102(e) in view of Marukawa (previously cited). However, as set forth in the August 3, 2007 Amendment, Marukawa has been removed as a prior art reference by perfecting the claim to foreign priority. As set forth above, the priority document fully supports the recitations of all claims. Specifically, in the priority document, the description regarding the corresponding position between the electrodes and the ribs is identical to the present Application. Thus, the rejection of claims 1, 11, 12, 21 and 22 is moot.

VI. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Henk.

A. Claim 1

Amended claim 1 recites, “wherein the plurality of shock-absorbing ribs are formed so as to be disposed at positions respectively corresponding to positions of a plurality of externally-threaded electrodes of the at least one battery when the battery cover is provided on the at least one battery.”

Applicant again submits that since Henk fails to teach or suggest that the ribs 53 are provided at positions corresponding to positions of electrodes of a battery, claim 1 is not anticipated by the reference.

B. Claims 21 and 22

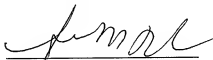
Since claims 21 and 22 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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